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PATENT  
Customer No. 22,852  
Attorney Docket No. 06478.1465-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Claude NÉGRIER et al.

Application No.: 10/067,894

Filed: February 8, 2002

For: MODIFIED FACTOR VIII cDNA AND ITS USE  
FOR THE PRODUCTION OF FACTOR VIII

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)  
) Group Art Unit: 1653  
)  
) Examiner: Holly G. Schnizer  
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)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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09/08/2003 BABRAHA1 00000052 10067894

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 5, 2003

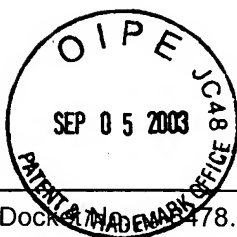
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## INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

|                 |                       |            |            |
|-----------------|-----------------------|------------|------------|
| Atty. Dock. No. | 178.1465-00           | Appln. No. | 10/067,894 |
| Applicant       | Claude Négrier et al. |            |            |
| Filing Date     | February 8, 2002      | Group:     | 1653       |

## U.S. PATENT DOCUMENTS

| Examiner Initial* | Document Number | Issue Date | Name | Class | Sub Class | Filing Date If Appropriate |
|-------------------|-----------------|------------|------|-------|-----------|----------------------------|
|                   |                 |            |      |       |           |                            |
|                   |                 |            |      |       |           |                            |

## FOREIGN PATENT DOCUMENTS

| Document Number | Publication Date | Country | Class | Sub Class | Translation Yes or No |
|-----------------|------------------|---------|-------|-----------|-----------------------|
| EP 1231220 A1   | 08/14/2002       | Europe  |       |           |                       |
|                 |                  |         |       |           |                       |
|                 |                  |         |       |           |                       |
|                 |                  |         |       |           |                       |
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|                 |                  |         |       |           |                       |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| Hoeben et al., "Expression of the Blood-Clotting Factor-VIII cDNA Is Repressed by a Transcriptional Silencer Located in Its Coding Region," <i>Blood</i> , 85:2447-2454 (1995).            |
| Toole et al., "A Large Region ( $\approx 95$ kDa) of Human Factor VIII is Dispensable for <i>in vitro</i> Procoagulant Activity," <i>Proc. Natl. Acad. Sci. USA</i> , 83:5939-5942 (1986). |
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| Examiner | Date Considered |
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.